

INITIATIVE 204

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 204 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to elected, appointed, and management officials;
2 amending RCW 50.32.010; reenacting and amending RCW 9A.04.080; adding
3 a new section to chapter 43.03 RCW; adding a new section to chapter
4 41.40 RCW; adding a new section to chapter 41.04 RCW; adding a new
5 section to chapter 42.04 RCW; creating new sections; and prescribing
6 penalties.

7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.03 RCW
9 to read as follows:

10 The salary of any elected, appointed, or management (government)
11 official in the state of Washington shall not exceed four times the
12 average annual income for the citizens of the state of Washington as
13 defined by the World Almanac.

14 **Sec. 2.** RCW 9A.04.080 and 1995 c 287 s 5 and 1995 c 17 s 1 are
15 each reenacted and amended to read as follows:

16 (1) Prosecutions for criminal offenses shall not be commenced after
17 the periods prescribed in this section.

18 (a) The following offenses may be prosecuted any time after their
19 commission:

20 (i) Murder;

1 (ii) Homicide by abuse;

2 (iii) Arson if a death results;

3 (iv) Any job-related felony or job-related misdemeanor committed by
4 an elected, appointed, or management official;

5 (v) Any violation of chapter 49.60 RCW committed by an elected,
6 appointed, or management official against an employee.

7 (b) The following offenses shall not be prosecuted more than ten
8 years after their commission:

9 (i) Any felony committed by a public officer if the commission is
10 in connection with the duties of his or her office or constitutes a
11 breach of his or her public duty or a violation of the oath of office;

12 (ii) Arson if no death results; or

13 (iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is
14 reported to a law enforcement agency within one year of its commission;
15 except that if the victim is under the age of fourteen years when the
16 rape is committed and the rape is reported to a law enforcement agency
17 within one year of its commission, the violation may be prosecuted up
18 to three years after the victim's eighteenth birthday or up to ten
19 years after the rape's commission, whichever is later. If a violation
20 of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape
21 may be prosecuted: (A) More than three years after its commission if
22 the violation was committed against a victim fourteen years of age or
23 older; or (B) more than three years after the victim's eighteenth
24 birthday or more than seven years after the rape's commission,
25 whichever is later, if the violation was committed against a victim
26 under fourteen years of age.

27 (c) Violations of the following statutes shall not be prosecuted
28 more than three years after the victim's eighteenth birthday or more
29 than seven years after their commission, whichever is later: RCW
30 9A.44.073, 9A.44.076 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080,
31 9A.44.100(1)(b), or 9A.64.020.

32 (d) The following offenses shall not be prosecuted more than six
33 years after their commission: Violations of RCW 9A.82.060 or 9A.82.080

34 (e) The following offenses shall not be prosecuted more than five
35 years after their commission: Any class C felony under 74.09, 82.36,
36 or 82.38 RCW.

37 (f) Bigamy shall not be prosecuted more than three years after
38 the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three after its commission.

(h) No gross misdemeanor may be prosecuted more than two years after its commission.

(i) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when a person charged is not usually or publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or information has been filed, and the indictment, complaint, or information has been set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

NEW SECTION. **Sec. 3.** A new section is added to chapter 41.40 RCW to read as follows:

An elected, appointed, or management official shall have his or her pension and retirement rights under this chapter reduced or revoked for any job-related felony, job-related misdemeanor, or violation of chapter 49.60 RCW committed against an employee.

NEW SECTION. **Sec. 4.** A new section is added to chapter 41.04 RCW to read as follows.

Government appointees and managers shall be required to take a polygraph to determine if they have ever falsified a document (including job applications), time sheet, per diem report, or given or ordered a subordinate to give false reports to the legislature, a supervisor, or the media. The work history and job application of any manager who fails the polygraph shall be immediately investigated for crimes or misrepresentations. Proof of these violations by any government official shall be grounds for immediate dismissal upon conviction or verification.

NEW SECTION. **Sec. 5.** A new section is added to chapter 42.04 RCW to read as follows:

The state shall recover wasted funds from elected, appointed, and management officials. A panel of seven citizens chosen at random from

1 the jury pool shall oversee the process of recovering wasted funds.

2 The panel shall:

3 (1) Determine if there is waste and the amount for which each
4 official is liable; and

5 (2) Direct the state auditor to recover the wasted amount from the
6 official's pay, pension, personal property, or other assets.

7 **Sec. 6.** RCW 50.32.010 and 1981 c 67 s 30 are each amended to read
8 as follows:

9 The commissioner shall establish one or more impartial appeal
10 tribunals, each of which shall consist of (~~(an administrative law judge~~
11 ~~appointed under chapter 34.12 RCW))~~ a panel of three citizens chosen at
12 random from the jury pool who shall decide the issues submitted to the
13 tribunal. No administrative law judge may hear or decide any disputed
14 claim (~~((in any case in which he is an interested party))~~). Wherever the
15 term "appeal tribunal" or "the appeal tribunal" is used in the title,
16 the same refers to an appeal tribunal established under the provisions
17 of this section. Notice of any appeal or petition for hearing taken to
18 an appeal tribunal in any proceeding under this title may be filled
19 with such agency as the commissioner may by regulation prescribe.

20 NEW SECTION. **Sec. 7.** The legislature shall establish and fund
21 grand jury capabilities.

22 NEW SECTION. **Sec. 8.** Section 2 of this act applies retroactively
23 to acts committed by elected, appointed, or management (government)
24 officials within the last fifty years.